

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GENE C. BENCKINI	:	CIVIL ACTION
t/a	:	
BENCKINI NURSERIES,	:	
Plaintiff	:	
	:	
v.	:	
	:	
BRIAN HAWK, <u>et al.</u> ,	:	
Defendants	:	NO. 07-3580

ORDER

AND NOW, this 21st day of April 2009, upon consideration of Plaintiff Gene C. Benckini's Motion for Summary Judgment (Doc. No. 79), Defendant Leroy Oswald's Motion for Summary Judgment (Doc. Nos. 81, 82) and Defendant Oswald's Response to the Benckini Motion (Doc. No. 88), IT IS HEREBY ORDERED that Plaintiff Benckini's Motion (Doc. No. 79) is DENIED, and Defendant Oswald's Motion (Doc. No. 81, 82) is GRANTED as outlined in the accompanying memorandum.

BY THE COURT:

S/Gene E.K. Pratter
GENE E. K. PRATTER
UNITED STATES DISTRICT JUDGE